



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/1

PG:eev:jm

stays

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT <sup>don't gen</sup>; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay the nonresident school board an amount equal to the cost of providing the course to the pupil, as calculated in a manner determined by DPI.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, a private school participating in a parental choice program, and any other educational institution in this state that is approved by DPI. Finally, the bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 115.38 (1) (d) of the statutes is amended to read:

2       115.38 (1) (d) The number and percentage of resident pupils attending a course  
3       ~~in a nonresident school district~~ at an educational institution under s. 118.52, the  
4       number of nonresident pupils attending a course in the school district under s.  
5       118.52, and the courses taken by those pupils.

6       **SECTION 2.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

7       **SECTION 3.** 118.52 (1) (am) of the statutes is created to read:

8       118.52 (1) (am) "Educational institution" includes a public school in a  
9       nonresident school district, the University of Wisconsin System, a technical college,  
10      a nonprofit institution of higher education, a tribal college, a charter school, a private  
11      school participating in a parental choice program under s. 118.60 or 119.23, and any  
12      other educational institution in this state that has been approved by the department.

\*\*\*\*~~NOTE: Do you want to include any criteria or standards for DPI approval?~~

13      **SECTION 4.** 118.52 (2) of the statutes is amended to read:

14      118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year, a~~ A pupil  
15      enrolled in a public school in the high school grades may attend public school in a  
16      ~~nonresident school district~~ an educational institution under this section for the  
17      purpose of taking a course offered by the ~~nonresident school district~~ educational  
18      institution. A pupil may attend no more than 2 courses at any time ~~in nonresident~~  
19      ~~school districts~~ <sup>at</sup> educational institutions under this section.

20      **SECTION 5.** 118.52 (3) (a), (b), (c), (d) 1. and (e) <sup>is</sup> of the statutes <sup>are</sup> amended to  
21      read:

22      118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a~~  
23      ~~nonresident school district~~ an educational institution for the purpose of taking a  
24      course under this section shall submit an application, on a form provided by the

1 department, to the school board of the nonresident school district in which  
2 educational institution at which the pupil wishes to attend a course not later than  
3 6 weeks prior to the date on which the course is scheduled to commence. The  
4 application shall specify the course that the pupil wishes to attend and may specify  
5 the school or schools at which the pupil wishes to attend the course. The nonresident  
6 ~~school board~~ educational institution shall send a copy of the application to the pupil's  
7 resident school board.

7 resident school board.  
SEC. # - AM. 118.52(3)(b)  
8 118.52(3)(b) If ~~a nonresident school board~~ an educational institution receives more  
9 applications for a particular course than there are spaces available in the course, the  
10 ~~nonresident school board~~ educational institution shall determine which pupils to  
11 accept on a random basis.

11 accepted on a random basis.  
12 118.52(3)(c) No later than one week prior to the date on which the course is scheduled  
13 to commence, the ~~nonresident school board~~ educational institution shall notify the  
14 applicant and the resident school board, in writing, whether the application has been  
15 accepted and, if the application is accepted, the school at which the pupil may attend  
16 the course. The acceptance applies only for the following semester, school year or  
17 other session in which the course is offered. If the ~~nonresident school board~~  
18 educational institution rejects an application, it shall include in the notice the reason  
19 for the rejection.

for the rejection.  
SEC. # AM. 118.52 (3)(d) has been  
(d) No later than one week prior to the date on which the course is scheduled  
to commence, the resident school board shall do all of the following:

22) 118.52(3)(d) 1. If it denies an application to attend ~~public school in a nonresident school~~  
23 ~~district~~ an educational institution under sub. (6), notify the applicant and the  
24 ~~nonresident school board~~ educational institution, in writing, that the application has  
25 been denied and include in the notice the reason for the rejection.

SEC. # AM. 118.52(3) (e)

1 118.52(3) (e) Following receipt of a notice of acceptance but prior to the date on which the  
2 course is scheduled to commence, the pupil's parent shall notify the resident school  
3 board and ~~nonresident school board~~ the educational institution of the pupil's intent  
4 to attend the course ~~in the nonresident school district~~ <sup>at</sup> educational institution.

5 **SECTION 6.** 118.52 (4) of the statutes is amended to read:

6 118.52 (4) ~~ADOPTION OF POLICIES AND CRITERIA. By February 1, 1998, each~~ Each  
7 school board and each educational institution shall adopt a resolution specifying the  
8 criteria and policies described in subs. (5) and (6). If the school board or educational  
9 institution wishes to revise the criteria or policies, it shall do so by resolution.

10 **SECTION 7.** 118.52 (5) (title) of the statutes is amended to read:

11 118.52 (5) (title) ~~NONRESIDENT SCHOOL DISTRICT EDUCATIONAL INSTITUTION~~  
12 ACCEPTANCE AND REJECTION CRITERIA.

13 **SECTION 8.** 118.52 (5) of the statutes is renumbered 118.52 (5) (b).

14 **SECTION 9.** 118.52 (5) (a) of the statutes is created to read:

15 118.52 (5) (a) Except as provided in par. (b), educational institution policies and  
16 criteria for accepting applications under sub. (3) shall be the same as the educational  
17 institution's policies and criteria for entry into the course for all other applicants.

18 **SECTION 10.** 118.52 (6) of the statutes is amended to read:

19 118.52 (6) **RESIDENT SCHOOL DISTRICT REJECTION CRITERIA.** (a) *Individualized*  
20 *education program requirements.* The school board of a pupil's resident school  
21 district shall reject a pupil's application to attend a course ~~in a public school in a~~  
22 ~~nonresident school district~~ <sup>at</sup> an educational institution if the resident school board  
23 determines that the course conflicts with the individualized education program for  
24 the pupil under s. 115.787 (2).

1 (b) *Undue financial burden.* The school board of a pupil's resident school  
2 district may reject an application to attend a course ~~in a public school in a~~  
3 ~~nonresident school district~~ <sup>at</sup> an educational institution if the cost of the course would  
4 impose upon the resident school district an undue financial burden in light of the  
5 resident school district's total economic circumstances, including its revenue limit  
6 under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per  
7 pupil costs for children continuing to be served by the resident school district.

8 **SECTION 11.** 118.52 (8) of the statutes is amended to read:

9 118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) or  
10 a pupil is prohibited from attending a course ~~in a public school in a nonresident~~  
11 ~~school district~~ <sup>at</sup> an educational institution under sub. (6), the pupil's parent may  
12 appeal the decision to the department within 30 days after the decision. The  
13 department shall affirm the school board's educational institution's decision unless  
14 the department finds that the decision was arbitrary or unreasonable. The  
15 department's decision is final and is not subject to judicial review under subch. III  
16 of ch. 227.

17 **SECTION 12.** 118.52 (9) of the statutes is amended to read:

18 118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
19 course ~~in a public school in a nonresident school district~~ at an educational institution  
20 under this section has all of the rights and privileges of other pupils ~~residing in that~~  
21 ~~school district~~ attending the educational institution and is subject to the same rules  
22 and regulations as those pupils ~~residing in that school district~~.

23 **SECTION 13.** 118.52 (10) of the statutes is amended to read:

24 118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
25 school board shall provide to the ~~nonresident school board~~ educational institution to

1 which a pupil has applied under this section, upon request by that school board  
2 educational institution, a copy of any expulsion findings and orders, a copy of records  
3 of any pending disciplinary proceeding involving the pupil, a written explanation of  
4 the reasons for the expulsion or pending disciplinary proceeding and the length of  
5 the term of the expulsion or the possible outcomes of the pending disciplinary  
6 proceeding.

7 **SECTION 14.** 118.52 (11) <sup>TRANSPORTATION (CS)</sup> (a) and (b) of the statutes <sup>is</sup> are amended to read:

8 118.52 (11) (a) *Responsibility.* The parent of a pupil attending a course in a  
9 ~~public school in a nonresident school district~~ at an educational institution under this  
10 section is responsible for transporting the pupil to and from the course that the pupil  
11 is attending.

12 (b) *Low-income assistance.* The parent of a pupil who is attending a course in  
13 ~~a public school in a nonresident school district~~ at an educational institution under  
14 this section may apply to the department for reimbursement of the costs incurred by  
15 the parent for the transportation of the pupil to and from the pupil's residence or  
16 school in which the pupil is enrolled and the ~~school at which the pupil is attending~~ educational institution that

17 <sup>for</sup> the course if the pupil and parent are unable to pay the cost of such transportation.

18 The department shall determine the reimbursement amount and shall pay the  
19 amount from the appropriation under s. 20.255 (2) (cy). The department shall give  
20 preference under this paragraph to those pupils who are eligible for a free or  
21 reduced-price lunch under 42 USC 1758 (b).

22 **SECTION 15.** 118.52 (12) of the statutes is amended to read:

23 118.52 (12) *TUITION.* The resident school board shall pay to the ~~nonresident~~  
24 ~~school board~~ educational institution, for each resident pupil attending a course in a  
25 ~~public school in the nonresident school district~~ at the educational institution under

1 this section, an amount equal to the cost of providing the course to the pupil,  
2 calculated in a manner determined by the department. The educational institution  
3 may not charge to or receive from the pupil or the pupil's resident school board any  
4 additional payment for a pupil attending a course at the educational institution  
5 under this section.

**(END)**

## Grant, Peter

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**From:** Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>  
**Sent:** Monday, February 04, 2013 10:41 AM  
**To:** Grant, Peter  
**Subject:** LRB 1012, Part time open enrollment

Hi Peter – we have a few more changes to this draft.

1. On page 2, line 12, instead of “other educational institution” we would like to say “other nonprofit organization”. We also would like to exclude choice schools from the definition of educational institution.
2. This is not currently in the draft, but we would like to repeal 118.52(6)(b), and instead permit the school board of a resident school district to reject an application if it determines that the courses attended would not conform to or support the pupil's academic and career plan, or would not satisfy high school graduation requirements. (Grad requirements are referenced in (3)(d)2 as well – I don't think it would be inconsistent to have this in both places, do you?)

Thanks!

Sara Hynek  
Team Leader, Education and Workforce Development Team  
State Budget Office  
Wisconsin Department of Administration  
608-266-1037

(req'd in another draft)





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/2

PG:eev:rs

3  
TKK

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

d-note

put

don't gen

1 AN ACT .; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

~~Under the current part-time Open Enrollment Program, a high school pupil may take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay the nonresident school board an amount equal to the cost of providing the course to the pupil, as calculated in a manner determined by DPI.~~

A → This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, ~~a private school participating in a parental choice program, and any other educational institution in this state~~ that is approved by DPI. ~~Finally,~~ the bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

B → For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

for a nonprofit organization

1           **SECTION 1.** 115.38 (1) (d) of the statutes is amended to read:

2           115.38 (1) (d) The number and percentage of resident pupils attending a course  
3           ~~in a nonresident school district~~ at an educational institution under s. 118.52, the  
4           number of nonresident pupils attending a course in the school district under s.  
5           118.52, and the courses taken by those pupils.

6           **SECTION 2.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

7           **SECTION 3.** 118.52 (1) (am) of the statutes is created to read:

8           118.52 (1) (am) "Educational institution" includes a public school in a  
9           nonresident school district, the University of Wisconsin System, a technical college,  
10          a nonprofit institution of higher education, a tribal college, a charter school, a private  
11          school participating in a parental choice program under s. 118.60 or 119.23, and any  
12          ~~other educational institution in this state~~ <sup>nonprofit organization</sup> that has been approved by the department.

13          **SECTION 4.** 118.52 (2) of the statutes is amended to read:

14          118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year, a~~ A pupil  
15          enrolled in a public school ~~in the high school grades~~ may attend ~~public school in a~~  
16          ~~nonresident school district~~ an educational institution under this section for the  
17          purpose of taking a course offered by the ~~nonresident school district~~ educational  
18          institution. A pupil may attend no more than 2 courses at any time ~~in nonresident~~  
19          ~~school districts~~ at educational institutions under this section.

20          **SECTION 5.** 118.52 (3) (a) of the statutes is amended to read:

21          118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a~~  
22          ~~nonresident school district~~ an educational institution for the purpose of taking a  
23          course under this section shall submit an application, on a form provided by the  
24          department, to the ~~school board of the nonresident school district in which~~  
25          educational institution at which the pupil wishes to attend a course not later than

1       6 weeks prior to the date on which the course is scheduled to commence. The  
2       application shall specify the course that the pupil wishes to attend and may specify  
3       the school or schools at which the pupil wishes to attend the course. The ~~nonresident~~  
4       ~~school board~~ educational institution shall send a copy of the application to the pupil's  
5       resident school board.

6               **SECTION 6.** 118.52 (3) (b) of the statutes is amended to read:

7               118.52 (3) (b) If ~~a nonresident school board~~ an educational institution receives  
8       more applications for a particular course than there are spaces available in the  
9       course, the ~~nonresident school board~~ educational institution shall determine which  
10      pupils to accept on a random basis.

11              **SECTION 7.** 118.52 (3) (c) of the statutes is amended to read:

12             118.52 (3) (c) No later than one week prior to the date on which the course is  
13      scheduled to commence, the ~~nonresident school board~~ educational institution shall  
14      notify the applicant and the resident school board, in writing, whether the  
15      application has been accepted and, if the application is accepted, the school at which  
16      the pupil may attend the course. The acceptance applies only for the following  
17      semester, school year or other session in which the course is offered. If the  
18      ~~nonresident school board~~ educational institution rejects an application, it shall  
19      include in the notice the reason for the rejection.

20              **SECTION 8.** 118.52 (3) (d) 1. of the statutes is amended to read:

21             118.52 (3) (d) 1. If it denies an application to attend ~~public school in a~~  
22      ~~nonresident school district~~ an educational institution under sub. (6), notify the  
23      applicant and the ~~nonresident school board~~ educational institution, in writing, that  
24      the application has been denied and include in the notice the reason for the rejection.

25              **SECTION 9.** 118.52 (3) (e) of the statutes is amended to read:

1 118.52 (3) (e) Following receipt of a notice of acceptance but prior to the date  
2 on which the course is scheduled to commence, the pupil's parent shall notify the  
3 resident school board and ~~nonresident school board~~ the educational institution of the  
4 pupil's intent to attend the course in at the nonresident school district educational  
5 institution.

6  
7 **SECTION 10.** 118.52 (6) <sup>(a)</sup> of the statutes is amended to read:

8 118.52 (6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA (a) *Individualized*  
9 *education program requirements.* The school board of a pupil's resident school  
10 district shall reject a pupil's application to attend a course ~~in a public school in a~~  
11 ~~nonresident school district~~ at an educational institution if the resident school board  
12 determines that the course conflicts with the individualized education program for  
the pupil under s. 115.787 (2).

13 ~~(b) *Undue financial burden.* The school board of a pupil's resident school~~  
14 ~~district may reject an application to attend a course in a public school in a~~  
15 ~~nonresident school district at an educational institution~~ if the cost of the course  
16 would impose upon the resident school district an undue financial burden in light of  
17 the resident school district's total economic circumstances, including its revenue  
18 limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the  
19 per pupil costs for children continuing to be served by the resident school district.

20 **SECTION 11.** 118.52 (8) of the statutes is amended to read:

21 118.52 (8) **APPEAL OF REJECTION.** If an application is rejected under sub. (5) or  
22 a pupil is prohibited from attending a course ~~in a public school in a nonresident school~~  
23 ~~district~~ at an educational institution under sub. (6), the pupil's parent may appeal  
24 the decision to the department within 30 days after the decision. The department  
25 shall affirm the ~~school board's~~ educational institution's decision unless the

1 department finds that the decision was arbitrary or unreasonable. The department's  
2 decision is final and is not subject to judicial review under subch. III of ch. 227.

3 **SECTION 12.** 118.52 (9) of the statutes is amended to read:

4 118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
5 course ~~in a public school in a nonresident school district~~ at an educational institution  
6 under this section has all of the rights and privileges of other pupils ~~residing in that~~  
7 ~~school district~~ attending the educational institution and is subject to the same rules  
8 and regulations as those pupils ~~residing in that school district~~.

9 **SECTION 13.** 118.52 (10) of the statutes is amended to read:

10 118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
11 school board shall provide to the ~~nonresident school board~~ educational institution to  
12 which a pupil has applied under this section, upon request by that ~~school board~~  
13 educational institution, a copy of any expulsion findings and orders, a copy of records  
14 of any pending disciplinary proceeding involving the pupil, a written explanation of  
15 the reasons for the expulsion or pending disciplinary proceeding and the length of  
16 the term of the expulsion or the possible outcomes of the pending disciplinary  
17 proceeding.

18 **SECTION 14.** 118.52 (11) of the statutes is amended to read:

19 118.52 (11) TRANSPORTATION. (a) *Responsibility.* The parent of a pupil  
20 attending a course ~~in a public school in a nonresident school district~~ at an educational  
21 institution under this section is responsible for transporting the pupil to and from  
22 the course that the pupil is attending.

23 (b) *Low-income assistance.* The parent of a pupil who is attending a course in  
24 ~~a public school in a nonresident school district~~ at an educational institution under  
25 this section may apply to the department for reimbursement of the costs incurred by

**SECTION 14**

1 the parent for the transportation of the pupil to and from the pupil's residence or  
2 school in which the pupil is enrolled and the ~~school at which~~ educational institution  
3 that the pupil is attending for the course if the pupil and parent are unable to pay  
4 the cost of such transportation. The department shall determine the reimbursement  
5 amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy).  
6 The department shall give preference under this paragraph to those pupils who are  
7 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

8 **SECTION 15.** 118.52 (12) of the statutes is amended to read:

9 118.52 (12) TUITION. The resident school board shall pay to the ~~nonresident~~  
10 ~~school board~~ educational institution, for each resident pupil attending a course in a  
11 ~~public school in the nonresident school district~~ at the educational institution under  
12 this section, an amount equal to the cost of providing the course to the pupil,  
13 calculated in a manner determined by the department. The educational institution  
14 may not charge to or receive from the pupil or the pupil's resident school board any  
15 additional payment for a pupil attending a course at the educational institution  
16 under this section.

17 (END)

d-note



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1386/P1  
TKK:kjf:jm

DOA:.....Hyneck, BB0431 – Part time open enrollment – resident district  
right to refuse

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to: the budget.**

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

**A.** Under the current part-time Open Enrollment Program, a high school pupil may apply to take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay to the nonresident school board an amount equal to the cost of providing the course to the pupil. The pupil's resident school board may reject the pupil's application under one of two circumstances: 1) the resident school board determines that the course conflicts with the pupil's individualized education program; or 2) the cost of paying for the pupil to attend the course would impose an undue financial burden on the resident school district.

This bill eliminates the resident school district's ability to reject a pupil's application on the basis of the cost of the course to the resident school district. The bill instead permits a resident school district to reject an application if the course does not count towards a pupil's high school graduation.

(A)

~~(no A) The school board of the pupil's  
resident school district may reject a  
pupil's application to attend a school  
outside his or her resident school district  
if the cost would impose upon the district  
an undue  
financial burden.~~

(B)

¶ The bill also eliminates the ability  
of a resident school board to reject an  
application on the basis of undue financial  
burden. However, it allows the resident school  
board to reject an application if the school  
board determines that the course the pupil



wishes to take at an educational  
institution does not conform to or  
support the pupil's academic and career  
plan or does not satisfy <sup>a</sup> high school  
graduation requirement.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

**SECTION 1.** 118.52 (6) (b) of the statutes is repealed.

**SECTION 2.** 118.52 (6) (c) of the statutes is created to read:

118.52 (6) (c) *High school graduation requirements.* The school board of a pupil's resident school district may reject an application by a pupil enrolled in the high school grades to attend a course in a public school in a nonresident school district if the course does not <sup>satisfy</sup> fulfill a high school graduation requirement under s. 118.33.

\*\*\*\*NOTE: Is the general reference to s. 118.33 acceptable? Or did you want to tie the prohibition to one of the enumerated credits under 118.33 (1) (a) or some other criteria?

at an educational institution if the resident school board determines that any of the following apply:

¶ 1. The

Pupil plan;

¶ 2. The course does not conform to or support the pupil's academic and career plan under s. 115.28 (59) (a).

\*\*\*NOTE: Academic and career plans are required in s. 115.28 (59) (a), created in 2013 LRB-1136.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

DN

Sana-

This <sup>✓</sup>redraft of LRB-1012 <sup>✓</sup>incorporates  
LRB-1386.

PG

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1012/3dn

PG:eev:ph

February 6, 2013

Sara:

This redraft of LRB-1012 incorporates LRB-1386.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/3

PG&TKK:eev:ph

stay 5

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

P. 5

5xw

↓ Not gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may apply to take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay to the nonresident school board an amount equal to the cost of providing the course to the pupil. The pupil's resident school board may reject the pupil's application under one of two circumstances: 1) the resident school board determines that the course conflicts with the pupil's individualized education program; or 2) the cost of paying for the pupil to attend the course would impose an undue financial burden on the resident school district.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or a nonprofit organization that is approved by DPI. The bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

The bill also eliminates the ability of a resident school board to reject an application on the basis of undue financial burden. However, it allows the resident

school board to reject an application if the school board determines that the course the pupil wishes to take at an educational institution does not conform to or support the pupil's academic and career plan or does not satisfy a high school graduation requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 115.38 (1) (d) of the statutes is amended to read:

2           115.38 (1) (d) The number and percentage of resident pupils attending a course  
3           ~~in a nonresident school district~~ at an educational institution under s. 118.52, the  
4           number of nonresident pupils attending a course in the school district under s.  
5           118.52, and the courses taken by those pupils.

6           **SECTION 2.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

7           **SECTION 3.** 118.52 (1) (am) of the statutes is created to read:

8           118.52 (1) (am) “Educational institution” includes a public school in a  
9           nonresident school district, the University of Wisconsin System, a technical college,  
10          a nonprofit institution of higher education, a tribal college, a charter school, and any  
11          nonprofit organization that has been approved by the department.

12          **SECTION 4.** 118.52 (2) of the statutes is amended to read:

13          118.52 (2) **APPLICABILITY.** ~~Beginning in the 1998–99 school year, a~~ A pupil  
14          enrolled in a public school ~~in the high school grades~~ may attend ~~public school in a~~  
15          ~~nonresident school district~~ an educational institution under this section for the  
16          purpose of taking a course offered by the ~~nonresident school district~~ educational  
17          institution. A pupil may attend no more than 2 courses at any time ~~in nonresident~~  
18          ~~school districts~~ at educational institutions under this section.

19          **SECTION 5.** 118.52 (3) (a) of the statutes is amended to read:

1           118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a~~  
2 ~~nonresident school district~~ an educational institution for the purpose of taking a  
3 course under this section shall submit an application, on a form provided by the  
4 department, to the ~~school board of the nonresident school district in which~~  
5 educational institution at which the pupil wishes to attend a course not later than  
6 6 weeks prior to the date on which the course is scheduled to commence. The  
7 application shall specify the course that the pupil wishes to attend and may specify  
8 the school or schools at which the pupil wishes to attend the course. The ~~nonresident~~  
9 ~~school board~~ educational institution shall send a copy of the application to the pupil's  
10 resident school board.

11           **SECTION 6.** 118.52 (3) (b) of the statutes is amended to read:

12           118.52 (3) (b) If ~~a nonresident school board~~ an educational institution receives  
13 more applications for a particular course than there are spaces available in the  
14 course, the ~~nonresident school board~~ educational institution shall determine which  
15 pupils to accept on a random basis.

16           **SECTION 7.** 118.52 (3) (c) of the statutes is amended to read:

17           118.52 (3) (c) No later than one week prior to the date on which the course is  
18 scheduled to commence, the ~~nonresident school board~~ educational institution shall  
19 notify the applicant and the resident school board, in writing, whether the  
20 application has been accepted and, if the application is accepted, the school at which  
21 the pupil may attend the course. The acceptance applies only for the following  
22 semester, school year or other session in which the course is offered. If the  
23 ~~nonresident school board~~ educational institution rejects an application, it shall  
24 include in the notice the reason for the rejection.

25           **SECTION 8.** 118.52 (3) (d) 1. of the statutes is amended to read:

**SECTION 8**

1           118.52 (3) (d) 1. If it denies an application to attend ~~public school in a~~  
2 ~~nonresident school district~~ an educational institution under sub. (6), notify the  
3 applicant and the ~~nonresident school board~~ educational institution, in writing, that  
4 the application has been denied and include in the notice the reason for the rejection.

5           **SECTION 9.** 118.52 (3) (e) of the statutes is amended to read:

6           118.52 (3) (e) Following receipt of a notice of acceptance but prior to the date  
7 on which the course is scheduled to commence, the pupil's parent shall notify the  
8 resident school board and ~~nonresident school board~~ the educational institution of the  
9 pupil's intent to attend the course in ~~at the nonresident school district~~ educational  
10 institution.

11           **SECTION 10.** 118.52 (6) (a) of the statutes is amended to read:

12           118.52 (6) (a) *Individualized education program requirements.* The school  
13 board of a pupil's resident school district shall reject a pupil's application to attend  
14 a course ~~in a public school in a nonresident school district~~ at an educational  
15 institution if the resident school board determines that the course conflicts with the  
16 individualized education program for the pupil under s. 115.787 (2).

17           **SECTION 11.** 118.52 (6) (b) of the statutes is repealed.

18           **SECTION 12.** 118.52 (6) (c) of the statutes is created to read:

19           118.52 (6) (c) *Pupil plan; high school graduation requirements.* The school  
20 board of a pupil's resident school district may reject an application by a pupil to  
21 attend a course at an educational institution if the resident school board determines  
22 that any of the following apply:

23           1. The course does not satisfy a high school graduation requirement under s.  
24 118.33.



1           2. The course does not conform to or support the pupil's academic and career  
2 plan under s. 115.28 (59) (a).

      \*\*\*\*NOTE: Academic and career plans are required in s. 115.28 (59) (a), created in  
2013 LRB-1136.

3           **SECTION 13.** 118.52 (8) of the statutes is amended to read:

4           118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) or  
5 a pupil is prohibited from attending a course in a public school in a nonresident school  
6 district at an educational institution under sub. (6), the pupil's parent may appeal  
7 the decision to the department within 30 days after the decision. The department  
8 shall affirm the school board's educational institution's decision unless the  
9 department finds that the decision was arbitrary or unreasonable. The department's  
10 decision is final and is not subject to judicial review under subch. III of ch. 227.

11           **SECTION 14.** 118.52 (9) of the statutes is amended to read:

12           118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
13 course in a public school in a nonresident school district at an educational institution  
14 under this section has all of the rights and privileges of other pupils residing in that  
15 school district attending the educational institution and is subject to the same rules  
16 and regulations as those pupils residing in that school district.

17           **SECTION 15.** 118.52 (10) of the statutes is amended to read:

18           118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
19 school board shall provide to the nonresident school board educational institution to  
20 which a pupil has applied under this section, upon request by that school board  
21 educational institution, a copy of any expulsion findings and orders, a copy of records  
22 of any pending disciplinary proceeding involving the pupil, a written explanation of  
23 the reasons for the expulsion or pending disciplinary proceeding and the length of

1 the term of the expulsion or the possible outcomes of the pending disciplinary  
2 proceeding.

3 SECTION 16. 118.52 (11) of the statutes is amended to read:

4 118.52 (11) TRANSPORTATION. (a) *Responsibility*. The parent of a pupil  
5 attending a course ~~in a public school in a nonresident school district~~ at an educational  
6 institution under this section is responsible for transporting the pupil to and from  
7 the course that the pupil is attending.

8 (b) *Low-income assistance*. The parent of a pupil who is attending a course ~~in~~  
9 ~~a public school in a nonresident school district~~ at an educational institution under  
10 this section may apply to the department for reimbursement of the costs incurred by  
11 the parent for the transportation of the pupil to and from the pupil's residence or  
12 school in which the pupil is enrolled and the ~~school at which~~ educational institution  
13 that the pupil is attending for the course if the pupil and parent are unable to pay  
14 the cost of such transportation. The department shall determine the reimbursement  
15 amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy).  
16 The department shall give preference under this paragraph to those pupils who are  
17 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

18 SECTION 17. 118.52 (12) of the statutes is amended to read:

19 118.52 (12) TUITION. The resident school board shall pay to the ~~nonresident~~  
20 ~~school board~~ educational institution, for each resident pupil attending a course ~~in a~~  
21 ~~public school in the nonresident school district~~ at the educational institution under  
22 this section, an amount equal to the cost of providing the course to the pupil,  
23 calculated in a manner determined by the department. The educational institution  
24 may not charge to or receive from the pupil or the pupil's resident school board any

1 additional payment for a pupil attending a course at the educational institution  
2 under this section.

3 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/4

PG&TKK:eev:jm

stays

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

BB-205

1

AN ACT <sup>don't gen</sup>; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may apply to take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay to the nonresident school board an amount equal to the cost of providing the course to the pupil. The pupil's resident school board may reject the pupil's application under one of two circumstances: 1) the resident school board determines that the course conflicts with the pupil's individualized education program; or 2) the cost of paying for the pupil to attend the course would impose an undue financial burden on the resident school district.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or a nonprofit organization that is approved by DPI. The bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

The bill also eliminates the ability of a resident school board to reject an application on the basis of undue financial burden. However, it allows the resident

school board to reject an application if the school board determines that the course the pupil wishes to take at an educational institution does not conform to or support the pupil's academic and career plan or does not satisfy a high school graduation requirement.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2-1 →  
1        **SECTION 1.** 115.38 (1) (d) of the statutes is amended to read:

2            115.38 (1) (d) The number and percentage of resident pupils attending a course  
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4        number of nonresident pupils attending a course in the school district under s.  
5        118.52, and the courses taken by those pupils.

2-5 →  
6        **SECTION 2.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

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8            118.52 (1) (am) "Educational institution" includes a public school in a  
9        nonresident school district, the University of Wisconsin System, a technical college,  
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9 ~~school board~~ educational institution shall send a copy of the application to the pupil's  
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11           **SECTION 6.** 118.52 (3) (b) of the statutes is amended to read:

12           118.52 (3) (b) If ~~a nonresident school board~~ an educational institution receives  
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15 pupils to accept on a random basis.

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17           118.52 (3) (c) No later than one week prior to the date on which the course is  
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25           **SECTION 8.** 118.52 (3) (d) 1. of the statutes is amended to read:

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17           **SECTION 11.** 118.52 (6) (b) of the statutes is repealed.

18           **SECTION 12.** 118.52 (6) (c) of the statutes is created to read:

19           118.52 (6) (c) *Pupil plan; high school graduation requirements.* The school  
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23           1. The course does not satisfy a high school graduation requirement under s.  
24 118.33.

1           2. The course does not conform to or support the pupil's academic and career  
2 plan under s. 115.28 (59) (a) *, if any*

      \*\*\*\*NOTE: Academic and career plans are required in s. 115.28 (59) (a), created in  
2013 LRB-1136.

3           **SECTION 13.** 118.52 (8) of the statutes is amended to read:

4           118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) (3)  
5 (c) or a pupil is prohibited from attending a course ~~in a public school in a nonresident~~  
6 ~~school district~~ at an educational institution under sub. (6), the pupil's parent may  
7 appeal the decision to the department within 30 days after the decision. The  
8 department shall affirm the ~~school board's~~ decision unless the department finds that  
9 the decision was arbitrary or unreasonable. The department's decision is final and  
10 is not subject to judicial review under subch. III of ch. 227.

11          **SECTION 14.** 118.52 (9) of the statutes is amended to read:

12          118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
13 course ~~in a public school in a nonresident school district~~ at an educational institution  
14 under this section has all of the rights and privileges of other pupils ~~residing in that~~  
15 ~~school district~~ attending the educational institution and is subject to the same rules  
16 and regulations as those pupils ~~residing in that school district~~.

17          **SECTION 15.** 118.52 (10) of the statutes is amended to read:

18          118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
19 school board shall provide to the ~~nonresident school board~~ educational institution to  
20 which a pupil has applied under this section, upon request by that ~~school board~~  
21 educational institution, a copy of any expulsion findings and orders, a copy of records  
22 of any pending disciplinary proceeding involving the pupil, a written explanation of  
23 the reasons for the expulsion or pending disciplinary proceeding and the length of



1 the term of the expulsion or the possible outcomes of the pending disciplinary  
2 proceeding.

3 **SECTION 16.** 118.52 (11) (a) and (b) of the statutes are amended to read:

4 118.52 (11) (a) *Responsibility.* The parent of a pupil attending a course in a  
5 ~~public school in a nonresident school district~~ at an educational institution under this  
6 section is responsible for transporting the pupil to and from the course that the pupil  
7 is attending.

8 (b) *Low-income assistance.* The parent of a pupil who is attending a course in  
9 ~~a public school in a nonresident school district~~ at an educational institution under  
10 this section may apply to the department for reimbursement of the costs incurred by  
11 the parent for the transportation of the pupil to and from the pupil's residence or  
12 school in which the pupil is enrolled and the ~~school at which~~ educational institution  
13 that the pupil is attending for the course if the pupil and parent are unable to pay  
14 the cost of such transportation. The department shall determine the reimbursement  
15 amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy).  
16 The department shall give preference under this paragraph to those pupils who are  
17 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

18 **SECTION 17.** 118.52 (12) of the statutes is amended to read:

19 118.52 (12) TUITION. The resident school board shall pay to the nonresident  
20 ~~school board~~ educational institution, for each resident pupil attending a course in a  
21 ~~public school in the nonresident school district~~ at the educational institution under  
22 this section, an amount equal to the cost of providing the course to the pupil,  
23 calculated in a manner determined by the department. The educational institution  
24 may not charge to or receive from the pupil or the pupil's resident school board any

3 (END)

Section #. 20.255 (2) (cy) of the statutes is amended to read:

~~20.255 (2) (cy)~~

and course opportunities) **I**

20.255 (2) (cy) ~~Aid for transportation; open enrollment~~ The amounts in the schedule to reimburse parents for the costs of transportation of open enrollment pupils under ~~ss. 118.51 (14) (b)~~<sup>s.</sup> and 118.52 (11) (b).

History: 1971 c. 42, 56, 125; 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1971 c. 211 ss. 24, 126; 1971 c. 215; 1973 c. 89 s. 20 (2); 1973 c. 90, 190, 243, 300, 307, 333, 336; 1975 c. 39 ss. 97 to 109, 732 (1); 1975 c. 105, 220, 224, 395; 1977 c. 26 s. 75; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 418 ss. 88m to 90, 929 (55); 1979 c. 34 ss. 164 to 191, 2102 (43) (a); 1979 c. 221 ss. 96e to 97w, 2200 (43); 1979 c. 331; 1979 c. 346 ss. 9, 15; 1981 c. 20, 86, 169; 1981 c. 314 s. 146; 1983 a. 22 s. 6; 1983 a. 27 ss. 158 to 212, 2200 (42), 2202 (42); 1983 a. 192; 1983 a. 333 s. 6; 1983 a. 370; 1985 a. 29, 56, 75, 128; 1987 a. 27, 339, 399; 1989 a. 31, 56, 114, 122, 269, 299, 309, 336, 359; 1991 a. 32, 39, 196, 269; 1993 a. 16, 168, 367, 377, 437, 454, 458, 490, 491; 1995 a. 27 ss. 563, 567 to 599, 622, 623, 9145 (1); 1995 a. 49, 227; 1997 a. 27, 113, 164, 237, 252; 1999 a. 9, 185; 2001 a. 16, 57, 105, 109; 2003 a. 33; 2005 a. 25, 43; 2007 a. 20; 2009 a. 11, 28, 58, 329; 2011 a. 32, 76, 157, 158, 166; s. 13.92 (1) (bm) 2.

note: bud

course opportunities pupils under s.

2-5

SEC. # RE. 118.52 (title)

118.52 (title) Course opportunities .f(B)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/5  
PG&TKK:eev:jm

6

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

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9.2

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do not gen

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may apply to take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay to the nonresident school board an amount equal to the cost of providing the course to the pupil. The pupil's resident school board may reject the pupil's application under one of two circumstances: 1) the resident school board determines that the course conflicts with the pupil's individualized education program; or 2) the cost of paying for the pupil to attend the course would impose an undue financial burden on the resident school district.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or a nonprofit organization that is approved by DPI. The bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

The bill also eliminates the ability of a resident school board to reject an application on the basis of undue financial burden. However, it allows the resident

school board to reject an application if the school board determines that the course the pupil wishes to take at an educational institution does not conform to or support the pupil's academic and career plan or does not satisfy a high school graduation requirement.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 20.255 (2) (cy) of the statutes is amended to read:

20.255 (2) (cy) Aid for transportation; open enrollment and course

opportunities. The amounts in the schedule to reimburse parents for the costs of transportation of open enrollment pupils under ss. 118.51 (14) (b) and course

opportunities pupils under s. 118.52 (11) (b).

SECTION 2. 115.38 (1) (d) of the statutes is amended to read:

115.38 (1) (d) The number and percentage of resident pupils attending a course in a nonresident school district at an educational institution under s. 118.52, the number of nonresident pupils attending a course in the school district under s. 118.52, and the courses taken by those pupils.

SECTION 3. 118.52 (title) of the statutes is repealed and recreated to read:

118.52 (title) Course opportunities

SECTION 4. 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

SECTION 5. 118.52 (1) (am) of the statutes is created to read:

118.52 (1) (am) "Educational institution" includes a public school in a nonresident school district, the University of Wisconsin System, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, and any nonprofit organization that has been approved by the department.

SECTION 6. 118.52 (2) of the statutes is amended to read:

1           118.52 (2) ~~APPLICABILITY. Beginning in the 1998-99 school year, a~~ A pupil  
2           enrolled in a public school ~~in the high school grades~~ may attend ~~public school in a~~  
3           ~~nonresident school district~~ an educational institution under this section for the  
4           purpose of taking a course offered by the ~~nonresident school district~~ educational  
5           institution. A pupil may attend no more than 2 courses at any time ~~in nonresident~~  
6           ~~school districts~~ at educational institutions under this section.

7           **SECTION 7.** 118.52 (3) (a) of the statutes is amended to read:

8           118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a~~  
9           ~~nonresident school district~~ an educational institution for the purpose of taking a  
10          course under this section shall submit an application, on a form provided by the  
11          department, to the ~~school board of the nonresident school district in which~~  
12          educational institution at which the pupil wishes to attend a course not later than  
13          6 weeks prior to the date on which the course is scheduled to commence. The  
14          application shall specify the course that the pupil wishes to attend and may specify  
15          the school or schools at which the pupil wishes to attend the course. The ~~nonresident~~  
16          ~~school board~~ educational institution shall send a copy of the application to the pupil's  
17          resident school board.

18          **SECTION 8.** 118.52 (3) (b) of the statutes is amended to read:

19          118.52 (3) (b) ~~If a nonresident school board~~ an educational institution receives  
20          more applications for a particular course than there are spaces available in the  
21          course, the ~~nonresident school board~~ educational institution shall determine which  
22          pupils to accept on a random basis.

23          **SECTION 9.** 118.52 (3) (c) of the statutes is amended to read:

24          118.52 (3) (c) No later than one week prior to the date on which the course is  
25          scheduled to commence, the ~~nonresident school board~~ educational institution shall

1 notify the applicant and the resident school board, in writing, whether the  
2 application has been accepted and, if the application is accepted, the school at which  
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4 semester, school year or other session in which the course is offered. If the  
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8 118.52 (3) (d) 1. If it denies an application to attend ~~public school in a~~  
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11 the application has been denied and include in the notice the reason for the rejection.

12 **SECTION 11.** 118.52 (3) (e) of the statutes is amended to read:

13 118.52 (3) (e) Following receipt of a notice of acceptance but prior to the date  
14 on which the course is scheduled to commence, the pupil's parent shall notify the  
15 resident school board and ~~nonresident school board~~ the educational institution of the  
16 pupil's intent to attend the course in at the nonresident school district educational  
17 institution.

18 **SECTION 12.** 118.52 (6) (a) of the statutes is amended to read:

19 118.52 (6) (a) *Individualized education program requirements.* The school  
20 board of a pupil's resident school district shall reject a pupil's application to attend  
21 a course ~~in a public school in a nonresident school district~~ at an educational  
22 institution if the resident school board determines that the course conflicts with the  
23 individualized education program for the pupil under s. 115.787 (2).

24 **SECTION 13.** 118.52 (6) (b) of the statutes is repealed.

25 **SECTION 14.** 118.52 (6) (c) of the statutes is created to read:



1           118.52 (6) (c) *Pupil plan; high school graduation requirements.* The school  
2 board of a pupil's resident school district may reject an application by a pupil to  
3 attend a course at an educational institution if the resident school board determines  
4 that any of the following apply:

5           1. The course does not satisfy a high school graduation requirement under s.  
6 118.33.

7           2. The course does not conform to or support the pupil's academic and career  
8 plan under s. 115.28 (59) (a), if any.

      \*\*\*\*NOTE: Academic and career plans are required in s. 115.28 (59) (a), created in  
2013 LRB-1136.

9           **SECTION 15.** 118.52 (8) of the statutes is amended to read:

10          118.52 (8) **APPEAL OF REJECTION.** If an application is rejected under sub. (5) (3)  
11 ~~(c) or a pupil is prohibited from attending a course in a public school in a nonresident~~  
12 ~~school district~~ at an educational institution under sub. (6), the pupil's parent may  
13 appeal the decision to the department within 30 days after the decision. The  
14 department shall affirm the ~~school board's~~ decision unless the department finds that  
15 the decision was arbitrary or unreasonable. The department's decision is final and  
16 is not subject to judicial review under subch. III of ch. 227.

17          **SECTION 16.** 118.52 (9) of the statutes is amended to read:

18          118.52 (9) **RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending a  
19 ~~course in a public school in a nonresident school district~~ at an educational institution  
20 under this section has all of the rights and privileges of other pupils residing in that  
21 ~~school district~~ attending the educational institution and is subject to the same rules  
22 and regulations as those pupils ~~residing in that school district~~.

23          **SECTION 17.** 118.52 (10) of the statutes is amended to read:

1           118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident  
2 school board shall provide to the ~~nonresident school board~~ educational institution to  
3 which a pupil has applied under this section, upon request by that ~~school board~~  
4 educational institution, a copy of any expulsion findings and orders, a copy of records  
5 of any pending disciplinary proceeding involving the pupil, a written explanation of  
6 the reasons for the expulsion or pending disciplinary proceeding and the length of  
7 the term of the expulsion or the possible outcomes of the pending disciplinary  
8 proceeding.

9           **SECTION 18.** 118.52 (11) (a) and (b) of the statutes are amended to read:

10           118.52 (11) (a) *Responsibility.* The parent of a pupil attending a course ~~in a~~  
11 ~~public school in a nonresident school district~~ at an educational institution under this  
12 section is responsible for transporting the pupil to and from the course that the pupil  
13 is attending.

14           (b) *Low-income assistance.* The parent of a pupil who is attending a course ~~in~~  
15 ~~a public school in a nonresident school district~~ at an educational institution under  
16 this section may apply to the department for reimbursement of the costs incurred by  
17 the parent for the transportation of the pupil to and from the pupil's residence or  
18 school in which the pupil is enrolled and the ~~school at which~~ educational institution  
19 that the pupil is attending for the course if the pupil and parent are unable to pay  
20 the cost of such transportation. The department shall determine the reimbursement  
21 amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy).  
22 The department shall give preference under this paragraph to those pupils who are  
23 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

24           **SECTION 19.** 118.52 (12) of the statutes is amended to read:

1           118.52 (12) TUITION. The resident school board shall pay to the nonresident  
2   school board educational institution, for each resident pupil attending a course in a  
3   ~~public school in the nonresident school district~~ at the educational institution under  
4   this section, an amount equal to the cost of providing the course to the pupil,  
5   calculated in a manner determined by the department. The educational institution  
6   may not charge to or receive from the pupil or the pupil's resident school board any  
7   additional payment for a pupil attending a course at the educational institution  
8   under this section.

**(END)**